



2001 SENATE BILL 169

May 3, 2001 - Introduced by Senators RISSER, BURKE, BRESKE, GEORGE, ERPENBACH, SCHULTZ, PLACHE, ROESSLER, ROSENZWEIG and HANSEN, cosponsored by Representatives MUSSER, BOYLE, UNDERHEIM, GUNDERSON, BLACK, SYKORA, RYBA, MILLER, LASSA, FREESE, ALBERS, TRAVIS, BERCEAU and SKINDRUD. Referred to Joint survey committee on Retirement Systems.

1 **AN ACT to renumber and amend** 40.02 (48) (am) and 40.02 (48) (c); and **to**
2 **create** 40.02 (17) (n), 40.02 (48) (am) 22., 40.02 (48) (c) 18. and 40.65 (4w) of the
3 statutes; **relating to:** classifying state employees who are employed at state
4 correctional institutions, secured correctional facilities, the mental health
5 institutes at Mendota and Winnebago, the Wisconsin resource center, or any
6 secure mental health unit or facility for sexually violent persons as protective
7 occupation participants under the Wisconsin retirement system.

Analysis by the Legislative Reference Bureau

Under current law, participants under the Wisconsin retirement system (WRS) whose principal duties involve law enforcement or fire suppression or prevention and require frequent exposure to a high degree of danger or peril and a high degree of physical conditioning are classified as protective occupation participants. Current law specifically classifies police officers, fire fighters, and various other individuals as protective occupation participants. Under the WRS, the normal retirement age of a protective occupation participant is lower than that of other participants and the percentage multiplier used to calculate retirement annuities is higher for protective occupation participants than for other participants.

This bill specifically classifies state employees who are employed at state correctional institutions, secured correctional facilities, the mental health institutes

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at Mendota and Winnebago, the Wisconsin resource center, or any secure mental health unit or facility for sexually violent persons as protective occupation participants for the purposes of the WRS.

This bill will be referred to the joint survey committee on retirement systems for a detailed analysis, which will be printed as an appendix to the bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 40.02 (17) (n) of the statutes is created to read:

2 40.02 (17) (n) Notwithstanding par. (d), each participant who is employed at
3 a state correctional institution, a secured correctional facility, as defined in s. 938.02
4 (15m), a mental health institute specified in s. 51.05 (1), the Wisconsin resource
5 center, established under s. 46.056, or a secure mental health unit or facility,
6 established under s. 980.065 (2), on or after the effective date of this paragraph ...
7 [revisor inserts date], shall be granted creditable service as a protective occupation
8 participant for all covered service while employed at a state correctional institution,
9 a secured correctional facility, as defined in s. 938.02 (15m), a mental health institute
10 specified in s. 51.05 (1), the Wisconsin resource center, established under s. 46.056,
11 or a secure mental health unit or facility, established under s. 980.065 (2), that was
12 earned on or after the effective date of this paragraph ... [revisor inserts date], but
13 may not be granted creditable service as a protective occupation participant for any
14 covered service while employed at a state correctional institution, a secured
15 correctional facility, as defined in s. 938.02 (15m), a mental health institute specified
16 in s. 51.05 (1), the Wisconsin resource center, established under s. 46.056, or a secure
17 mental health unit or facility, established under s. 980.065 (2), that was earned
18 before the effective date of this paragraph ... [revisor inserts date], unless that

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1 service was earned while the participant was classified under sub. (48) (a) and s.
2 40.06 (1) (d) as a protective occupation participant.

3 **SECTION 2.** 40.02 (48) (am) of the statutes is renumbered 40.02 (48) (am) (intro.)
4 and amended to read:

5 40.02 (48) (am) (intro.) “Protective occupation participant” includes any
6 participant whose name is certified to the fund as provided in s. 40.06 (1) (d) and (dm)
7 and who is a any of the following:

- 8 1. A conservation warden_{7,2}
- 9 2. A conservation patrol boat captain_{7,2}
- 10 3. A conservation patrol boat engineer_{7,2}
- 11 4. A conservation pilot_{7,2}
- 12 5. A conservation patrol officer_{7,2}
- 13 6. A forest fire control assistant_{7,2}
- 14 7. A member of the state patrol_{7,2}
- 15 8. A state motor vehicle inspector_{7,2}
- 16 9. A police officer_{7,2}
- 17 10. A fire fighter_{7,2}
- 18 11. A sheriff_{7,2}
- 19 12. An undersheriff_{7,2}
- 20 13. A deputy sheriff_{7,2}
- 21 14. A state probation and parole officer_{7,2}
- 22 15. A county traffic police officer_{7,2}
- 23 16. A state forest ranger_{7,2}
- 24 17. A fire watcher employed by the Wisconsin veterans home_{7,2}
- 25 18. A state correctional-psychiatric officer_{7,2}

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1 19. An excise tax investigator employed by the department of revenue,₂

2 20. A special criminal investigation agent in the department of justice,₂

3 21. An assistant or deputy fire marshal, or person employed under s. 61.66 (1).

4 **SECTION 3.** 40.02 (48) (am) 22. of the statutes is created to read:

5 40.02 **(48)** (am) 22. A state employee who is employed at a state correctional
6 institution, a secured correctional facility, as defined in s. 938.02 (15m), a mental
7 health institute specified in s. 51.05 (1), the Wisconsin resource center, established
8 under s. 46.056, or a secure mental health unit or facility, established under s.
9 980.065 (2).

10 **SECTION 4.** 40.02 (48) (c) of the statutes is renumbered 40.02 (48) (c) (intro.) and
11 amended to read:

12 40.02 **(48)** (c) (intro.) In s. 40.65, “protective occupation participant” means a
13 participating employee who is a any of the following:

14 1. A police officer,₂

15 2. A fire fighter, an₂

16 3. An individual determined by a participating employer under par. (a) or (bm)
17 to be a protective occupation participant,₂

18 4. A county undersheriff,₂

19 5. A deputy sheriff,₂

20 6. A state probation and parole officer,₂

21 7. A county traffic police officer,₂

22 8. A conservation warden,₂

23 9. A state forest ranger,₂

24 10. A field conservation employee of the department of natural resources who
25 is subject to call for forest fire control or warden duty,₂

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- 1 11. A member of the state traffic patrol,~~;~~
- 2 12. A state motor vehicle inspector, ~~university.~~
- 3 13. A University of Wisconsin system ~~System~~ full-time police officer,~~;~~
- 4 14. A guard or any other employee whose principal duties are supervision and
5 discipline of inmates at a state penal institution,~~;~~
- 6 15. An excise tax investigator employed by the department of revenue,~~;~~
- 7 16. A person employed under s. 61.66 (1), ~~or.~~
- 8 17. A special criminal investigation agent employed by the department of
9 justice.

10 **SECTION 5.** 40.02 (48) (c) 18. of the statutes is created to read:

11 40.02 **(48)** (c) 18. A state employee who is employed at a state correctional
12 institution, a secured correctional facility, as defined in s. 938.02 (15m), a mental
13 health institute specified in s. 51.05 (1), the Wisconsin resource center, established
14 under s. 46.056, or a secure mental health unit or facility, established under s.
15 980.065 (2).

16 **SECTION 6.** 40.65 (4w) of the statutes is created to read:

17 40.65 **(4w)** A state employee who is employed at a state correctional institution,
18 a secured correctional facility, as defined in s. 938.02 (15m), a mental health institute
19 specified in s. 51.05 (1), the Wisconsin resource center, established under s. 46.056,
20 or a secure mental health unit or facility, established under s. 980.065 (2), who
21 becomes a protective occupation participant on or after the effective date of this
22 subsection [revisor inserts date], is not entitled to a duty disability benefit under
23 this section for an injury or disease occurring before the effective date of this
24 subsection [revisor inserts date].

25 **SECTION 7. Effective date.**

